

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

VESSELL PROPERTY MANAGEMENT,	)	
LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:22 CV 791 JMB
	)	
GPJ SWEET DISTRIBUTIONS, LLC, and	)	
U.S. SMALL BUSINESS	)	
ADMINISTRATION,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before Plaintiff's Counsel's failure to respond to the Court's August 5, 2022, Order to Show Cause (ECF No. 8).

On July 28, 2022, this matter was removed from the Phelps County, Missouri, Circuit Court, to the United States District Court for the Eastern District of Missouri. The State docket reflects that Plaintiff is represented by Attorney James T. Crump, an attorney in Rolla, Missouri, which is in the Eastern District of Missouri. When the case was removed to our Court, the Clerk of Court notified Mr. Crump that he must apply for admission to our Court, pursuant to Local Rule 12, if he wanted to appear as an attorney of record in this matter. Mr. Crump did not respond. Thereafter, a Deputy Clerk of Court contacted his office more than once to try to facilitate his admission process without success or response. Based on Mr. Crump's failure to seek admission to this Court, the undersigned entered a Show Cause Order, directing Mr. Crump to show cause no later than August 15, 2022, why he should not be stricken as counsel of record in this case for his failure to seek admission to practice before this Court. The deadline for complying with that Order has passed.

Generally, parties may proceed before a federal court "personally or by counsel." 28 U.S.C. § 1654. A corporation or a limited liability company, however, may not proceed *pro se* because such artificial entities can only act through agents and must be represented by counsel. See Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993) (artificial entities may appear in federal courts only through licensed attorneys); United States v. Lylalele, 221 F.3d 1345 (Table), 2000 WL 688237, at \* 1(8th Cir. 2000) ("corporations and trusts cannot appear in federal court without legal representation.") (citation omitted). If the Court strikes Mr. Crump as Plaintiff's counsel, Plaintiff would be a *pro se* litigant in this Court. Because Plaintiff is a corporation which cannot appear *pro se*, Plaintiff must retain new counsel. See Carr, Inc. v. United States, 698 F.2d 952, 955 (8th Cir. 1983) ("It is well settled law that a corporation may be represented only by licensed counsel.").

Plaintiff shall have thirty days from the date of this Order to retain substitute counsel to make a formal appearance of record. Failure to retain new counsel may result in the Court dismissing Plaintiff's claims against Defendants CPJ Sweet Distributions, LLC and U.S. Small Business Administration without prejudice. See, e.g., Master Craft v. Stanley Works, 2006 WL 8438190, at \* 2 (D. Minn. Apr. 27, 2006) (noting that "failure to obtain licensed counsel may result in dismissal of [corporation's] claims against defendants.") (internal quotation omitted).

Accordingly,

**IT IS HEREBY ORDERED** that, pursuant to the Court's Order to Show Cause (ECF No. 8), James T. Crump is stricken as attorney for Plaintiff for failure to comply with the local rules.

**IT IS FURTHER ORDERED** that Plaintiff shall retain new counsel and Plaintiff's substitute counsel shall enter an appearance no later than September 16, 2022. If Plaintiff has trouble securing substitute counsel and needs additional time, Plaintiff shall update the Court and request additional time from the Court *pro se*.

**IT IS FURTHER ORDERED** that upon entry of substitute counsel for Plaintiff, the court will issue an order removing Attorney James T. Crump as counsel of record for failure to seek admission to practice before this Court.

**IT IS FURTHER ORDERED** that James T. Crump shall provide a copy of this Memorandum and Order to Plaintiff via first class mail, postage prepaid and via email, and file a notice with the Court certifying that he has done so.

**IT IS FURTHER ORDERED** that a Deputy Clerk of the Court provide a copy of the Memorandum and Order to Plaintiff Vessel Property Management, LLC via first class mail, postage prepaid to 1322 California Drive, Rolla, Missouri 65401-4513.

/s/ Matthew T. Schelp

Matthew T. Schelp

UNITED STATES DISTRICT JUDGE

Dated this 18th day of August, 2022